THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22615 of 2007

Date:26-10-2007

Between:

C.Bikshapathy and two others

…Petitioners

AND

The Collector, Inams (R.D.O.) Mahaboob Nagar and four others

..

Respondents

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ORDER:

The petitioners seek a writ of certiorari to call for the records in file No.K/3504/2006, dated 12.02.2007 from the 1st respondent and quash the same and consequently directing the 2nd respondent to record succession of the agricultural land an extent of Ac.05.37 guntas in Sy.No.695 (old Sy.No.417) of Nandigam village, Kothur mandal, Mahboob Nagar District in their name.

It is the case of the petitioners that one Chakali Jangaiah, father of the petitioners 2 and 3 and grand-father of first petitioner is the pattadar of an agricultural land of an extent of Ac.05.37 guntas in Sy.No.695 (Old Sy.No.417) of Nandigam village. It is stated that the petitioners filed an application for grant of ryothwari patta. It is stated that there is a dispute with regard to the legal heirs and the entitlement of the occupancy rights in respect of the land of an extent of Ac.01.25 guntas to which occupancy right certificate has been granted in favour of the respondents 4 and 5 by the Revenue Divisional Officer, Mahboobnagar/first respondent in File NO.K/3504/2006, dated 12.02.2007. It is the case of the petitioners that when they applied for grant of occupancy certificate, their application has not been considered. But, the application of the respondents 4 and 5 has been considered and the said occupancy certificate had been granted erroneously.

Having regard to the facts of the case, I am of the opinion that as against the said order passed by the first respondent, an appeal lies under Section 24 of the A.P. (Telangana Area) Abolition of Inams Act, 1956 before the Joint Collector. Therefore, I am not inclined to admit

the writ petition to resolve the disputed questions of fact. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to file an appeal before the appropriate authority. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:26.10.2007
ccm